

Alan D. Halperin
Scott A. Ziluck
Neal W. Cohen
HALPERIN BATTAGLIA RAICHT, LLP
40 Wall Street, 37th Floor
New York, New York 10005
(212)765-9100

Attorneys for Gail Nessel

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SCC)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04351 (SCC)

Plaintiff,

v.

MELVIN B. NESSEL 2006 TRUST U/A/D 3/14/06;
MELVIN B. NESSEL REVOCABLE TRUST; PAUL
RAMPPELL, in his capacity as Former Trustee for the
Melvin B. Nessel Revocable Trust and as former co-
Trustee of the Melvin B. Nessel 2006 Trust u/a/d
3/14/06; NORTHERN TRUST N.A., in its capacity as
successor Trustee of the Melvin B. Nessel 2006 Trust
u/a/d 3/14/06; GAIL NESSEL; JOHN NESSEL;
GREGORY ANTONIAZZI; MICHAEL LIEB; and
ROBERT LIEB,

Defendants.

**JOINDER OF DEFENDANT GAIL NESSEL TO CO-
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendant Gail Nessel, by and through her undersigned counsel, hereby joins in the motion of (i) Northern Trust N.A., as Trustee of the Nessel Residuary Trust, successor to the Melvin B. Nessel 2006 Trust, successor to and/or assignee of the Melvin B. Nessel 2003 Trust and the Melvin B. Nessel 1999 Trust; and (ii) the Nessel Residuary Trust, successor to the Melvin B. Nessel 2006 Trust, successor to and/or assignee of the Melvin B. Nessel 2003 Trust and the Melvin B. Nessel 1999 Trust (all collectively the “Nessel Trust Defendants”), for an order dismissing plaintiff’s complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

BACKGROUND

For a complete recitation of the facts relevant to this motion, Gail Nessel respectfully refers the Court to the Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint filed by the Nessel Trust Defendants (Docket No. 54).

ARGUMENT

Gail Nessel joins in the Nessel Trust Defendants’ motion to dismiss in its entirety for all of the reasons set forth in such motion, and because all such reasons apply equally to her. Gail Nessel adopts and incorporates by reference as if fully set forth herein, the following: (a) Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint filed by the Nessel Trust Defendants (Docket No. 54); (b) the Declaration of David A. Rosenzweig, Esq., in Support of Defendants’ Motion to Dismiss and the exhibits annexed thereto (Docket No.55); and (c) all pleadings and papers filed in these proceedings, and any other matters that may properly come before the Court in connection with the motion.

CONCLUSION

For all of the foregoing reasons, and the reasons set forth in the Nessel Trust Defendants' Motion, the Court should dismiss the Complaint as against defendant Gail Nessel.

Dated: New York, New York
April 17, 2014

HALPERIN BATTAGLIA RAICHT, LLP
Counsel to Defendant Gail Nessel

By: /s/ Neal Cohen
Alan D. Halperin
Scott A. Ziluck
Neal W. Cohen
40 Wall Street – 37th Floor
New York, New Y 10005
(212) 765-9100